

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

The United States of America, . Docket #CR-18-249-2 (MMB)
Plaintiff, .
vs. . United States Courthouse
Abdul Ibrahim West, . Philadelphia, PA
Defendant. . March 22, 2021
..... 11:06 a.m.

TRANSCRIPT OF TELEPHONIC CONFERENCE HEARING
BEFORE THE HONORABLE MICHAEL M. BAYLSON
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

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Proceedings recorded by electronic sound recording, transcript produced by transcription service.

1 THE COURT: Okay, good morning, Judge Baylson
2 speaking. All right, Mr. Witherell for the United States.

3 MR. WITHERELL: I'm here, Your Honor. How are you?

4 THE COURT: All right. Mr. Meehan for Mr. West, the
5 defendant.

6 MR. MEEHAN: Yes, good morning, Your Honor. How are
7 you, Sir?

8 THE COURT: Good afternoon. All right, and my law
9 clerk is on the phone. Alex, are you there?

10 LAW CLERK: Yes, I'm here.

11 THE COURT: Okay, all right. So this is a recorded
12 phone call that I am having with counsel concerning Mr.
13 Meehan's request that I postpone the sentencing of this case
14 which is now scheduled for -- to take place next week on March
15 30th, for 90 days. Mr. Meehan, what's the reason for the
16 request?

17 MR. MEEHAN: Simply stated, Judge, I need more time.
18 I have not been able to work on Mr. West's matter because I
19 have been focusing on God knows how many other cases that I
20 have, and trying to, with the COVID and the pandemic, to keep
21 my practice afloat, and I do apologize for that, but that's
22 been the focus for the past year.

23 THE COURT: Okay.

24 MR. MEEHAN: And I do apologize, and I apologize to
25 Mr. Witherell and Stengel also.

1 THE COURT: Well, Mr. Meehan, no apologies are
2 necessary. The pandemic has created a lot of scheduling
3 problems and a lot of delays in a lot of cases, criminal cases
4 and civil cases and sentencing. And so you're a hard worker
5 and you're very credible and I appreciate the problems that
6 you're having. On the other hand, I've got to look at this
7 case in the context of all the other cases. Now this is a
8 case that there was a jury trial. It's approximately 18
9 months since we had the jury trial in this case, maybe 16 or
10 17 months, but that is a very long delay between a guilty
11 verdict and the imposition of sentence. And it's relevant
12 because, you know, there's of course going to be a right to
13 appeal, and if there's any chance going to be a new trial,
14 then you're talking about a great lapse of time between the
15 events -- the underlying events in this case and when the case
16 would go to the appellate court and if they were to reverse or
17 remand for any reason, we have like six or seven years between
18 the events that took -- that were the subject of the case and
19 the new trial. It could be more than that. And the
20 recollections of witnesses disappear and witnesses themselves
21 disappear, and it just creates -- the delay creates a big
22 problem. So in the context of all the other cases, in my
23 view, this case has taken on a priority that we've got to have
24 a sentencing, and we have to do it promptly.

25 Now I'm willing to postpone the sentencing that's now

1 scheduled for next week on March 30th, based on your
2 representations, for a short period of time. But your -- I
3 mean, your client is facing a very serious sentence. We know
4 what the guidelines are, life imprisonment. That's not -- and
5 I haven't made any decision what the actual sentence is going
6 to be, but we've got to proceed. And I think he's at the
7 federal detention center so he's accessible. They have very
8 safe precautions for counsel interviewing their clients. Have
9 you been vaccinated, by any chance?

10 MR. MEEHAN: No, I haven't, Judge.

11 THE COURT: All right. Well, I want you to be very
12 safe and healthy in all of this but I think you can proceed to
13 interview Mr. West at the detention center and --

14 MR. MEEHAN: And I have done that on a couple of
15 occasions, Judge.

16 THE COURT: Well, I don't know -- you know, you're a
17 very experienced lawyer. I don't know what other preparation
18 you would need. I'd like to get a sentencing memorandum. Has
19 the government filed a sentencing memo yet? I don't think so.

20 MR. WITHERELL: No, we've not, Your Honor.

21 THE COURT: Well, when -- Mr. Witherell, how soon
22 can you do that?

23 MR. WITHERELL: Judge, I think it -- by next week,
24 if that works.

25 THE COURT: Well, it's not --

1 MR. WITHERELL: If it should be postponed, I'll get
2 it to you next week.

3 THE COURT: Well, it's not getting it to me, it's
4 getting it to Mr. Meehan so he knows exactly what you're
5 saying. All right, I'm going to put the sentence -- the
6 current sentencing date as a deadline for the government's
7 sentencing memorandum. That's March 30th. Okay?

8 MR. WITHERELL: Okay.

9 THE COURT: That's a week from tomorrow. All right,
10 so Mr. Meehan, you'll have the government's memorandum, and I
11 don't know if you want to call witnesses, whatever, you don't
12 have to tell me, but you're going to have to put this up on
13 the top of your list to -- so we can get it done. I'd like to
14 do this the week of April 5th. I've got two other sentencings
15 in this case for the 7th. I could do it that day. Daryl
16 Baker is for the following week.

17 MR. MEEHAN: Well, can you give me to the end of the
18 week then, Judge?

19 THE COURT: Well --

20 MR. MEEHAN: The end of that week?

21 THE COURT: -- we're not doing Fridays, because
22 we're not having court clerks and all coming in on Fridays. I
23 can do it the following week, or the week of April 12th.
24 Would that be better for you?

25 MR. MEEHAN: Well, more time is always better,

1 Judge, you know that.

2 THE COURT: Yes.

3 MR. MEEHAN: So I would appreciate that. Thank you.

4 THE COURT: All right. I'll make this one the 14th,
5 it will be the same day as Daryl Baker. We'll make this --
6 Daryl Baker is at 1 o'clock; we'll make this at 2 o'clock on
7 the 14th.

8 MR. MEEHAN: I appreciate that, Judge. Thank you.

9 THE COURT: All right, but look, no further
10 continuances, you know, unless for an act of God, God forbid,
11 okay?

12 MR. MEEHAN: Okay, Judge.

13 THE COURT: All right?

14 MR. MEEHAN: I understand.

15 THE COURT: But -- okay.

16 MR. MEEHAN: I do.

17 THE COURT: And you'll --

18 MR. MEEHAN: Thank you very much, Your Honor.

19 THE COURT: And you'll get your sentencing
20 memorandum in whenever -- you know, as soon as convenient.
21 I'm not going to put a deadline on you, I'll read it whenever
22 I get it. I know it will be very well done. I assume you'll
23 -- I did not include your --

24 MR. MEEHAN: Thank you.

25 THE COURT: I did not include your client on this

1 phone call because it's just about sentencing and he's well
2 represented by you, and I assume you'll tell him what I said.

3 And we --

4 MR. MEEHAN: I will take care of it, Judge. Thank
5 you.

6 THE COURT: -- we're making a record, in case you
7 want to look at. Okay, but this will enable me to complete
8 all the sentencings in this case by mid-April, so appeals can
9 proceed and justice, I hope, will be done wherever it may
10 fall. Okay? Okay.

11 MR. MEEHAN: Thank you, Judge.

12 THE COURT: All right, so we'll --

13 MR. WITHERELL: Thank you, Your Honor.

14 THE COURT: -- we'll plan on going ahead.

15 MR. WITHERELL: Have a good day, Sir.

16 THE COURT: All right, thank you and --

17 MR. MEEHAN: Everett, take care.

18 THE COURT: Thank you. And to you.

19 MR. WITHERELL: Yes, you as well. Thank you.

20 THE COURT: Thanks for calling in. Bye.

21 (Court adjourned)

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1 CERTIFICATION
2 I, Lewis Parham, certify that the foregoing is a correct
3 transcript from the electronic sound recording of the
4 proceedings in the above-entitled matter.

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Lewis Parkham

5/19/22

Signature of Transcriber

Date